

Law Offices of Craig K. Furusho

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Attorney for Defendant

PRISCILLA SHAW

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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

PETER K. TERUYA,) CIVIL NO. CV10 00282 JMS/KSC
	) (Other)
Plaintiff,)
vs.	) DEFENDANTS PRISCILLA D. SHAW and A & A SERVICES, LLC'S SCHEDULING
PRISCILLA D. SHAW; A & A SERVICES, LLC, a Hawai'i Limited Liability Company; WALTER CHUNG; CY TAXI LEASING, INC.	) CONFERENCE STATEMENT; CERTIFICATE OF SERVICE
a Hawai'i Corporation, dba KAPIOLEI AUTO RECYCLING; JERRY GIORDANO, individually and dba GIORDANO'S PAINTING; IVORY TRANSPORT AND EQUIPMENT RENTALS, LLC, a Hawai'i Limited Liability Company; HAWK TRANSPORT SERVICES, LLC., a Hawaii Limited Liability Company;	) Scheduling Conference
FRANK COLUCCIO CONSTRUCTION COMPANY, a Washington Corporation;	) Date: August 9, 2010
FREDERICK W. JACOBS; LINDA L. NICHOLS; DIANE FUJIKAMI;	) Time: 9:00 a.m.
	) Judge: Hon. Kevin S.C. Chang
	) Trial Date: None

WELA KALHOEFER; ALL)
ISLANDS, INC., a Hawai'i)
Corporation dba CENTURY 21)
ALL ISLANDS; JOHN DOES 1-20;)
JANE DOES 1-20; and DOE)
ENTITIES 1-20,)
Defendants.)

)

**DEFENDANTS PRISCILLA D. SHAW and A & A SERVICES, LLC'S
SCHEDULING CONFERENCE STATEMENT**

Defendants PRISCILLA D. SHAW and A & A SERVICES, LLC, by and through their attorney, Craig K. Furusho, submit their Scheduling Conference Statement.

1. NATURE OF THE CASE

On May 12, 2010, Plaintiff filed a Complaint and Demand for Jury Trial against numerous defendants, including Defendants Shaw and A & A Services, LLC, in the United States District Court for the District of Hawaii alleging violations of 42 U.S.C. §§ 9607 and 9613, Hawaii's state statutory counterpart to CERCLA, and Hawaii common law. Defendants Shaw and A & A deny the allegations as to it.

Plaintiff in this action is the owner of 10 acres of real property in Waianae which has/had hazardous and solid waste upon it which needed to be removed and remediated. Defendants Shaw/A & A Services were lessees

of the Teruya property. The EPA allegedly cleaned up the property. Plaintiff seeks contribution from the numerous defendants in this case. Plaintiff also seeks contribution for his own costs of past and future removal actions required by the State of Hawaii, and other damages, including punitive damages.

2. STATEMENT OF JURISDICTION

Jurisdiction pursuant to 28 U.S.C. §§1331 (federal question) and 2201 (declaratory relief), and 42 U.S.C. §§9607 and 9613 (CERCLA) is not contested. Plaintiff Teruya's supplemental jurisdiction for his state law claims may be declined by the court pursuant to 28 U.S.C. §1367(c).

3. DEMAND FOR JURY TRIAL

Plaintiff Teruya demanded a jury trial.

4. APPROPRIATENESS OF DISCLOSURES

Defendants Shaw and A & A will seek full disclosure pursuant to Federal Rule of Civil Procedure 26. The parties who appeared at a planning meeting of the parties via telephone conference call on July 15, 2010 agreed to voluntarily produce initial disclosures on or before October 11, 2010.

5. **DISCOVERY COMPLETED/IN PROGRESS;
MOTIONS PENDING AND HEARING DATES**

At this time, Defendants Shaw and A & A have not served any discovery requests upon Plaintiff or any other party. Defendants plan to serve Requests for Admissions, Requests for Production of Documents, and Requests for Answers to Interrogatories upon Plaintiff and other relevant parties. Defendants also intend to attend or take the depositions of Plaintiff and other parties and witnesses in this action.

Plaintiff Teruya produced documents referenced in his complaint to Defendants Shaw and A & A, and others who informally requested such documents.

No motions are pending at present. Defendants reserve the right to file dispositive motions after sufficient discovery is completed.

6. **APPROPRIATENESS OF SPECIAL PROCEEDINGS**

Not applicable.

7. **RELATED CASES**

Defendants are unaware of any related cases in any state or federal court.

8. ANY ADDITIONAL MATTERS

Not applicable.

DATED: Honolulu, Hawaii, August 2, 2010.

/s/ Craig K. Furusho
CRAIG K. FURUSHO
Attorney for Defendants
PRISCILLA D. SHAW and A & A
SERVICES, LLC.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII**

PETER K. TERUYA,	) CIVIL NO. CV10 00282 JMS/KSC
	) (Other)
Plaintiff,)
vs.)
)
PRISCILLA D. SHAW; A & A)
SERVICES, LLC, a Hawai'i Limited)
Liability Company; WALTER)
CHUNG; CY TAXI LEASING, INC.)
a Hawai'i Corporation, dba)
KAPIOLEI AUTO RECYCLING;)
JERRY GIORDANO, individually)
and dba GIORDANO'S)
PAINTING; IVORY TRANSPORT)
AND EQUIPMENT RENTALS,)
LLC, a Hawai'i Limited Liability)
Company; HAWK TRANSPORT)
SERVICES, LLC., a Hawaii)
Limited Liability Company;)
FRANK COLUCCIO)
CONSTRUCTION COMPANY, a)
Washington Corporation;)
FREDERICK W. JACOBS; LINDA)
L. NICHOLS; DIANE FUJIKAMI;)
WELA KALHOEFER; ALL)
ISLANDS, INC., a Hawai'i)
Corporation dba CENTURY 21)
ALL ISLANDS; JOHN DOES 1-20;)
JANE DOES 1-20; and DOE)
ENTITIES 1-20,)
)
Defendants.)

CERTIFICATE OF SERVICE

I hereby certify that, on the dates and by the methods of service noted below, a true and correct copy of the foregoing was served on the following at their last known addresses:

Served Electronically through CM/ECF:

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WALTER CHUNG and CY TAXI LEASING, INC dba
KAPIOLEI AUTO RECYCLING

DATED: Honolulu, Hawaii, August 2, 2010.

/s/ Craig K. Furusho
CRAIG K. FURUSHO
Attorney for Defendants
PRISCILLA D. SHAW and A & A
SERVICES, LLC.